

February 22, 2005

Keith Donner
7525 SW 54 Court
Miami, FL 33143

RE: REQUEST FOR ADVISORY OPINION 05-18

Dear Mr. Donner:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on February 22, 2005 and rendered its opinion based on the facts stated in your request.

As Chair and Treasurer of the of the High Pines Annexation Committee ("HPAC"), you asked whether HPAC meets the definition of a "neighborhood association" under the lobbyist exemptions defined in Section 2-11.1 (s)(1)(b) of the Conflict of Interest and Code of Ethics Ordinance.

According to the facts submitted in your letter, HPAC is a political action committee formed to promote annexation of the unincorporated neighborhood. You do not receive any compensation as Chair and Treasurer of HPAC. You indicate that you would like to meet with County officials and staff on behalf of HPAC and its annexation proposal.

The Ethics Commission determined that HPAC does meet the definition of "neighborhood association" and thereby, falls under the "Lobbyist" exemptions as provided for in the Code of Ethics. Section 2-11.1 (s) "*Lobbying*," provides certain exemptions for the term lobbyist:

The term "Lobbyist" specifically excludes the following persons: attorneys or other representatives retained or employed solely for the purpose of representing individuals, corporations or other entities during publicly noticed quasi-judicial proceedings where the law prohibits

ex-parte communications; expert witnesses who provide only scientific, technical or other specialized information or testimony in public meetings; any person who only appears as a representative of a **neighborhood association** without compensation or reimbursement for the appearance, whether direct, indirect or contingent, to express support of or opposition to any item; any person who only appears as a representative of a not-for-profit community based organization for the purpose of requesting a grant without special compensation or reimbursement for the appearance; and employees of a principal whose normal scope of employment does not include lobbying activities.

The Ethics Commission's lobbying rules, Section 9.3, define a "neighborhood association" as an organization of residential homeowners and tenants created to address quality of life issues in a defined neighborhood or community.

As indicated in your letter, HPAC was established to represent specifically the High Pines neighborhood. Its activities are limited to addressing and to representing the concerns of the residents who promote and support annexation. HPAC clearly is akin to a homeowner's association established for purposes of the annexation issue. Accordingly, you and other members of HPAC, may meet with County officials and staff and appear before County boards on behalf of HPAC without being subject to the lobbyist registration and filing fee requirements.

This opinion construes the Miami-Dade County Conflict of Interest and Code of Ethics Ordinance only and is not applicable to any conflict under state law. Please contact the State of Florida Commission on Ethics should you have any questions regarding possible conflicts under state law.

If you have any questions regarding this opinion, please call Christina Prkic, Staff Attorney at (305) 350-0615 or the undersigned at (305) 579-2594.

Sincerely Yours,

ROBERT MEYERS
Executive Director